



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

SEP 14 2000

Mr. Robert Kattke
Air Techniques, Incorporated
70 Cantiague Rock Road
Hicksville, NY 11801

Ref. No. 00-0214

Dear Mr. Kattke:

This is in response to your letter dated July 31, 2000, and subsequent telephone conversations with Eric Nelson of my staff regarding the requirements for your product under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for assistance determining the proper packaging for the corrosive liquid identified in your letter, and whether or not this material may be shipped as a consumer commodity, ORM-D.

Under § 173.22, it is the shipper's responsibility to properly class a hazardous material. Generally, manufacturers have the knowledge to properly class the materials and products they produce. Based on subsequent information sent to this Office and telephone conversations with Mr. Nelson, it is the opinion of this Office that you are correct in your determination that your product should be described as "Corrosive liquid, n.o.s. (include technical name/s), 8, UN 1760, PG II."

You state that you are packaging your product in 1 liter plastic inner packagings, two of which are placed in an 80-pound flexible cardboard (light-weight chipboard) box, and six boxes are then packed in a UN4G fiberboard box. The specification UN4G fiberboard box is certified to PG II standards. This package meets the limited quantity exceptions specified in § 173.154(b)(1).

To ship your product as a consumer commodity, you must first comply with the limited quantity exception for a Class 8, PG II material provided in § 173.154. If your material is then packaged and distributed in a form intended or suitable for sales through retail sales agencies or instrumentalities for consumption by individuals for purposes of personal care or household use (see § 171.8), you may



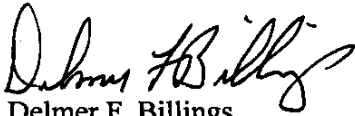
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rename your material "Consumer commodity" and reclass it ORM-D. Consumer commodities must be packaged in strong outer packagings, which are packagings that provide protection against release of its contents under conditions normally incident to transportation (see §§ 171.8 and 173.24).

I hope this information is helpful. If you have further questions, please do not hesitate to contact this Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Delmer F. Billings". The signature is fluid and cursive, with the first name "Delmer" and last name "Billings" clearly distinguishable.

Delmer F. Billings

Chief, Standards Development

Office of Hazardous Materials Standards



FAX TRANSMITTAL SHEET

Nelson
8 173.136
Air
00-024

Bob Kattke

70 Cantiague Rock Road
Hicksville, NY 11801

Fax Number: (516) 433-6171
Phone Number: (516) 433-7676
Extension 5508

TO: Mr. Eric Nelson
C/O U.S. D.O.T.

From: Bob Kattke

FAX NUMBER: 1-202-366-3012

DATE: July 31, 2000

PAGES 5

COMMENTS:

Copies of the MSDS sheet for Air Techniques, Inc. Formula 2000 are included.

We ship this product in 1 litre plastic containers, 2 per chipboard packer, 6 packers per corrugated case. The case is certified packing class II marked corrosive-8, UN1760, corrosive N.O.S. We ship this product as a corrosive via U.P.S. and placard trucks when shipping in bulk.

Please advise me as soon as possible that the above packaging is in compliance with D.O.T. regulations and whether or not the product is able to be shipped as a "consumer commodity" in the 2 piece chipboard packaging or must be handled as a corrosive.

Bob Kattke
Inventory Manager